

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MARY ELLEN TOOHEY, SHERRY CAMPBELL,	)	
SCYNETTE COOK, JULIA GREENWOOD,	)	
IRENE LOFTIN, ELAINE SHERRY, and	)	
HOWARD ZUBIN, individually and on behalf of	)	
all others similarly situated,	)	
	)	
Plaintiffs,	)	Index No.: 1:15-cv-08098-GBD
	)	
v.	)	
	)	
PORTFOLIO RECOVERY ASSOCIATES, LLC,	)	
PRA GROUP, INC., MALEN & ASSOCIATES, P.C.	)	
	)	
	)	
	)	
Defendants.	)	
	)	

**NOTICE OF MOTION**  
**FOR PRELIMINARY APPROVAL**  
**OF CLASS ACTION SETTLEMENT**

PLEASE TAKE NOTICE that, upon the Memorandum of Law annexed hereto; the Declaration of Gregory A. Frank in support of the instant motion (“Frank Declaration”), which is being filed simultaneously herewith; the exhibits annexed to the Frank Declaration; and all prior pleadings, Plaintiffs, through the undersigned counsel, move this Court at the United States Courthouse, of the United States District Court for the Southern District of New York, 500 Pearl Street, New York, NY 10007, for an Order:

1. Granting preliminary approval of the parties’ Settlement Agreement, annexed as Exhibit A to the Frank Declaration, as fair, reasonable, adequate, and in the best interests of the Settlement Class defined therein (including with regard to, among other provisions, relief to the

Class, awards to the Named Plaintiffs as class representatives, and payment of attorney's fees and costs);

2. Approving the proposed Notice Form, annexed as Exhibit B to the Frank Declaration, and authorizing distribution thereof;

3. Approving KCC LLC as Administrator;

4. Setting a date for a fairness hearing, at least ninety (90) days from the date of the order preliminarily approving the Settlement Agreement, so as to consider final approval of the Settlement Agreement pursuant to Rule 23; and

5. Granting such other and further relief (a) as requested in the Memorandum of Law or in the Frank Declaration or the exhibits thereto, and/or (b) as may be just and proper.

Dated: New York, New York  
December 2, 2019

Respectfully submitted,

**FRANK LLP**

By: /s/ Gregory A. Frank  
Gregory A. Frank (GF0531)  
Marvin L. Frank (MF1436)  
Asher Hawkins (AH2333)  
370 Lexington Ave., Suite 1706  
New York, New York 10017  
Tel: (212) 682-1853  
Fax: (212) 682-1892  
[gfrank@frankllp.com](mailto:gfrank@frankllp.com)  
[mfrank@frankllp.com](mailto:mfrank@frankllp.com)  
[ahawkins@frankllp.com](mailto:ahawkins@frankllp.com)

*Counsel for Plaintiffs and the Class*